

IN THE CLAIMS

Please amend claims 1, 6, 9-11, 16-18, 20 and 21 by rewriting same to read as follows and cancel claims 2-5, 12-15, and 22-31, without prejudice or disclaimer.

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--1. (Twice Amended) A recording and reproducing apparatus, comprising:

a storing portion for storing data programs and including a management area for storing index data for managing said data programs, wherein said index data is an imperfect index data so that said data programs are unreproducible from said storing portion;

a recording and reproducing portion for recording and reproducing data from said storing portion; and

a signal generating portion for generating a perfect index data so that said data programs are reproducible by said recording and reproducing portion,

wherein when said signal generating portion transmits said perfect index data to said recording and reproducing portion, said recording and reproducing portion rewrites said imperfect index data with said perfect index data and is enabled to reproduce said stored data programs stored in

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~~said storing portion.~~

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--6. (Twice Amended) The recording and reproducing apparatus set forth in claim 1, further comprising:

a charge processing portion for performing a charging process before said signal generating portion generates said perfect index data,

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wherein when said recording and reproducing portion reproduces said data programs stored in said storing portion, said recording and reproducing portion supplies said perfect index data to said signal generating portion and said charge processing portion performs said charging process, and

when said charge processing portion has completed said charging process, said signal generating portion generates said perfect index data.

--9. (Twice Amended) The recording and reproducing apparatus set forth in claim 1, further comprising:

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a charge processing portion,

wherein when said recording and reproducing portion reproduces said data programs stored in said storing portion, said recording and reproducing portion supplies a

charging process signal to said charge processing portion so that said charge processing portion performs a charging process, and

after said charge processing portion has completed said charging process, said signal generating portion supplies said perfect index data to said recording and reproducing portion.

--10. (Twice Amended) The recording and reproducing apparatus set forth in claim 9,

wherein said storing portion stores said charging process signal and said perfect index data along with said data programs, and

said recording and reproducing portion rewrites said imperfect index data with said perfect index data received from said signal generating portion.

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--11. (Twice Amended) A recording and reproducing apparatus, comprising:

a recording and reproducing portion, having a storing portion for storing data programs and including a management area for storing index data for managing said data programs, wherein said index data is an imperfect index data so that

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said data programs are unreproducible from said storing portion, and said recording and reproducing portion records and reproduces data to/from said storing portion; and

a server unit having a signal generating portion for generating a perfect index data so that said data programs are reproducible by said recording and reproducing portion,

wherein when said signal generating portion transmits said perfect index data to said recording and reproducing portion, said recording and reproducing portion rewrites said imperfect index data with said perfect index data and is enabled to reproduce said stored data programs stored in said storing portion.

--16. (Twice Amended) The recording and reproducing apparatus set forth in claim 11, further comprising:

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a charge processing portion for performing a charging process before said signal generating portion generates said perfect index data,

wherein when said recording and reproducing portion reproduces said data programs stored in said storing portion, said recording and reproducing portion supplies said perfect index data to said signal generating portion and said charge processing portion performs said charging

process, and

when said charge processing portion has completed said charging process, said signal generating portion generates said perfect index data.

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--17. (Twice Amended) The recording and reproducing apparatus set forth in claim 11, further comprising:

a charge processing portion,

wherein when said recording and reproducing portion reproduces said data programs stored in said storing portion, said recording and reproducing portion supplies a charging process signal to said charge processing portion so that said charge processing portion performs a charging process, and

after said charge processing portion has completed said charging process, said signal generating portion supplies said perfect index data to said recording and reproducing portion.

--18. (Twice Amended) The recording and reproducing apparatus set forth in claim 17,

wherein said storing portion stores said charging process signal and said perfect index data along with said

B4 data programs, and

said recording and reproducing portion rewrites said imperfect index data with said perfect index data received from said signal generating portion.

--20. (Twice Amended) The recording and reproducing apparatus set forth in claim 19,

wherein identification data is stored in said terminal unit,

B5 and when said recording and reproducing portion reproduces said data programs stored in said storing portion, said terminal unit supplies said identification data to said charge processing portion, and

when said charge processing portion has determined that said terminal unit is valid based upon said identification data received from said terminal unit, said charge processing portion starts said charging process.

--21. (Twice Amended) The recording and reproducing apparatus set forth in claim 20,

wherein when said charge processing portion has determined that said terminal unit is valid based upon said identification data received from said terminal unit, said

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charge processing portion is connected to said server unit through said communication network so that said charge processing portion performs said charging process and rewrites said imperfect index data with said perfect index data received from said signal generating portion.--